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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,056	03/02/2004	Jean-Louis Desjoyaux	1759.155	2862
23405	7590	06/14/2004	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI PC 5 COLUMBIA CIRCLE ALBANY, NY 12203			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

10/791,056

Applicant(s)

DESJOYAUX ET AL.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/2/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (Fr2765909) in view of Sijpesteijn (5215802).

Desjoyaux shows panels for producing swimming pools, having a prefabricated flat structure (1) of rectangular overall shape and delimited by a peripheral frame comprising vertical flanges (1b) and horizontal flanges (1c), one of the flanges has, suitably distributed over its height fixing arrangements (1k) able to collaborate with complementary arrangements on an other vertical flange of an adjacent panel, the complementary arrangement comprise anchoring tabs (1j2) formed in a thickness of the other flange and able to be engaged in centering and guiding shapes belonging to the one flange (the opening), a profile shape is established over an entire height of the vertical flanges at their part for connection with a flat face of the structure to ensure sealing once the tabs are engaged, the profile shape comprising a bead resulting from an additional thickness of material, an internal face of the structure is equipped directly at the time of its manufacture with studs having a head and a centering part able to collaborate with necked apertures exhibited by an independent reinforcing element acting as wall tie and hollow shaft for pouring of concrete, the studs and apertures being distributed over the entire height of the structure.

Desjoyaux does not show the tabs has on its outer face anchoring roughness able to callable with complementary roughness after engagement the said shapes to ensure non-dismantleable self-locking, the centering and guiding shapes constitute wells or sleeves formed as overspill from a bearing face of the one flange and a cross section of the wells or sleeves corresponds approximately to that of the tabs, a part of the one flange from which the sleeves or wells are formed having the anchoring roughness so that when the tabs have been engaged in the sleeves, a wedging effect is produced for imbricating the roughness.

Sijpesteijn shows tabs (8) has on its outer face anchoring roughness (13) able to callable with complementary roughness after engagement the said shapes to ensure non-dismantleable self-locking, the centering and guiding shapes (6, 4') constitute wells or sleeves formed as overspill from a bearing face of the one flange and a cross section of the wells or sleeves corresponds approximately to that of the tabs, a part of the one flange from which the sleeves or wells are formed having the anchoring roughness (the complementary part 13) so that when the tabs have been engaged in the sleeves, a wedging effect is produced for imbricating the roughness.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux to show tabs has on its outer face anchoring roughness able to callable with complementary roughness after engagement the said shapes to ensure non-dismantleable self-locking, the centering and guiding shapes constitute wells or sleeves formed as overspill from a bearing face of the one flange and a cross section of the wells or sleeves corresponds approximately to that of the tabs, a part of the one flange from which the sleeves or wells are formed having the anchoring roughness so that when the tabs have been engaged in the

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sleeves, a wedging effect is produced for imbricating the roughness because it would ensure the secure easy fastening of the adjacent panels together as taught by Sijpesteijn.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802) as applied to claim 1 above and further in view of Raymond (50072220).

Desjoyaux as modified shows all the claimed limitations except for the anchoring roughness comprise a number of straight and parallel very closely-packed teeth of a gullet tooth type.

Raymond (figure 8) shows anchoring roughness comprise a number of straight and parallel very closely-packed teeth of a gullet tooth type for connecting and fastening panels together

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the anchoring roughness comprise a number of straight and parallel very closely-packed teeth of a gullet tooth type as taught by Raymond.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802) as applied to claim 1 above and further in view of Taylor et al (4514104).

Desjoyaux as modified shows all the claimed limitations except for the anchoring tabs result from two parallel cut-outs formed at right angles from a longitudinal edge of the one flange, a length of the tab being less than a width of the one flange.

Taylor et al (figure 2) shows the anchoring tabs result from two parallel cut-outs formed at right angles from a longitudinal edge of the one flange, a length of the tab being less than a width of the one flange.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the anchoring tabs result from two parallel cut-outs formed at right angles from a longitudinal edge of the one flange, a length of the tab being less than a width of the one flange because it would enable the easy connection and locking of panels together as taught by Taylor et al.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802) as applied to claim 1 above and further in view of Taylor et al (4514104).

Desjoyaux as modified shows all the claimed limitations except for the anchoring tabs are of flat cross section, an internal cross section delimited by edges of the sleeves or wells is rectangular and a free end of the anchoring tabs being chamfered.

Taylor et al (figure 2) shows the anchoring tabs are of flat cross section, an internal cross section delimited by edges of the sleeves or wells (formed by the complementary part of part 10) is rectangular and a free end of the anchoring tabs being chamfered to allow for the easy connection and locking of panels together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the anchoring tabs are of flat cross section, an internal cross section delimited by edges of the sleeves or wells is rectangular and a

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free end of the anchoring tabs being chamfered because it would enable the easy connection and locking of panels together as taught by Taylor et al.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802).

Desjoyaux as modified shows all the claimed limitations except for a width of the anchoring tabs being less than a width of an internal section of the sleeves or wells except for a sleeve situated at an upper part of the structure, considered in a vertical direction, of which a width of its internal section corresponds approximately to a width of the tabs so as to allow heightwise adjustment of the panels.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show a width of the anchoring tabs being less than a width of an internal section of the sleeves or wells except for a sleeve situated at an upper part of the structure, considered in a vertical direction, of which a width of its internal section corresponds approximately to a width of the tabs so as to allow heightwise adjustment of the panels because it is well known in the art that having only one tab and openings of closed dimension within a multiple of tabs and openings ensure the easy assembly of panel parts together, while reducing cost as the large tolerance between the multiple of mating parts allow for less manufacturing cost and ease of manipulation of the mating parts together, and the one precise coupling parts ensure the proper fastenings of the parts together.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Desjoyaux (FR2765909) in view of Sijpesteijn (5215802).

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Desjoyaux as modified shows all the claimed limitations except for the structure being obtained directly by injection moulding of a plastic.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Desjoyaux's modified structure to show the structure being obtained directly by injection moulding of a plastic because injection moulding of plastic is a well known process for forming plastic, and using plastic in a swimming pool environment would enable the wall to avoid the rust factor over the long term which could create leakage.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different wall structural designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, positioned above the name Phi Dieu Tran A.

Phi Dieu Tran A

6/7/04